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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,497	03/22/2001	Garry C. Binder	42390P11284	5655

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05/19/2004

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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT

PAPER NUMBER

2157

5

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

20

Office Action Summary	Application No. 09/815,497	Applicant(s) BINDER, GARRY C.	
	Examiner Hussein A El-chanti	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to application filed on March 22, 2001. Claims 1-20 are pending examination.

Specification

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
 - (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.
2. The content of the specification does not include a "summary of the invention".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6, 11-15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts et al., U.S. patent No. 6,295,551 (referred to hereafter as Roberts).

As to claim 1, Roberts teaches a networked computing apparatus, comprising:

a business message sender component coupled to a network interface, the network interface not being coupled to an always-active listening component (see col. 3 lines 38-50 and col. 20 lines 1-25); and

a processing component coupled to the sender component to process a business message or a polling request for transfer to another networked computing apparatus (see col. 7 lines 17-25).

As to claim 6, a networked computing system, comprising:

a first networked computing apparatus including a first business message sender component coupled to a first network interface, the first network interface not being coupled to an always-active listening component, and a first processing component coupled to the first sender component to process a business message or a polling request for transfer to another networked computing device (see col. 3 lines 38-col.4 lines 25 and col. 20 lines 1-25); and

a second networked computing apparatus including a second business message sender component coupled to a second network interface, the network interface not being coupled to an always-active listening component, and a second processing component coupled to the sender component to process a business message or a polling request for transfer to another networked computing device, the second networked computing apparatus being coupled to the first networked computing apparatus via a network (see col. 3 lines 38-col.4 lines 25, col. 7 and col. 20 lines 1-25).

As to claim 11, Roberts teaches a method comprising:

sending a polling message from a first networked computing apparatus to a second networked computing apparatus (see col. 3 lines 38-col.4 lines 25, col. 7 and col. 20 lines 1-25);

receiving a response message with a business message from the second networked computing apparatus in response to the polling message, the response message further including information indicating whether additional messages are waiting for transfer to the first networked computing apparatus (see col. 3 lines 38-col.4 lines 25, col. 7 and col. 20 lines 1-25).

As to claim 12, Roberts teaches the method as claimed in claim 11 further including storing a business message or receipt acknowledgement for subsequent transfer to another networked computing apparatus (see col. 7 lines 17-25).

As to claim 13, Roberts teaches the method as claimed in claim 11 further including routing the polling message and the response message with the business message through a hub (see col. 20 lines 1-15).

As to claim 14, Roberts teaches the method as claimed in claim 12 further including retaining a business message in a data store until a polling message is received from another networked computing apparatus (see col. 3 lines 25-col. 4 lines 35).

As to claim 15, Roberts teaches the method as claimed in claim 12 further including retaining a business message in a data store until another business message

is received from another networked computing apparatus (see col. 3 lines 25-col. 4 lines 35).

As to claim 18, Roberts teaches an article of manufacture comprising:

a computer useable medium having computer readable program instructions embodied thereon for causing a processor to send a polling message from a first networked computing apparatus to a second networked computing apparatus, the computer useable medium also having computer readable program instructions embodied thereon for causing the processor to receive a response message with a business message from the second networked computing apparatus in response to the polling message, the response message further including information indicating whether additional messages are waiting for transfer to the first networked computing apparatus (see col. 3 lines 38-col.4 lines 25, col. 7 and col. 20 lines 1-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Hemphill et al., U.S. Patent No. 6,167,448 (referred to hereafter as Hemphill).

As to claims 16 and 17, Roberts teaches a method comprising:

sending a polling message from a first networked computing apparatus to a second networked computing apparatus, and receiving a response message with a business message from the second networked computing apparatus in response to the polling message, the response message further including information indicating whether additional messages are waiting for transfer to the first networked computing apparatus (see the rejection of claim 11) where the polling and response message is an HTTP message.

Roberts does not explicitly teach the limitation "HTTP POST message". However Hemphill teaches a method of sending notification messages to a server where the messages are HTTP POST messages (see col. 2 lines 10-30).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Roberts by incorporating the use of HTTP POST messages instead of HTTP messages because doing so would allow the user to send and receive messages with sufficiently large size and therefore overcome the limitation of sending small files to avoid network overflow and data loss on a network.

5. Claims 2-5, 7-10, 19 and 20 do not teach or define any additional limitation over claims 1, 6 and 11-18 and therefore are rejected for similar reasons.

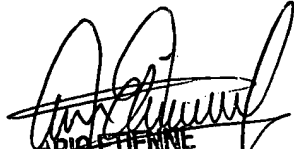
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

May 7, 2004


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